

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KELA M. LIGE,

Plaintiff,

v.

**Civil Action 2:21-cv-3436
Judge Edmund A. Sargus, Jr.
Magistrate Judge Chelsey M. Vascura**

DR. TIMUR SARCAC,

Defendant.

REPORT AND RECOMMENDATION

Plaintiff filed her Complaint against Defendant Dr. Timur Sarcac on June 9, 2021 (ECF No. 1). After Plaintiff failed to effect service over Defendant within 90 days of filing the Complaint as required by Federal Rule of Civil Procedure 4(m), Plaintiff was ordered on October 1, 2021, to show cause why this action should not be dismissed without prejudice for failure to timely effect service. (First Show Cause Order, ECF No. 2.) Plaintiff failed to respond to the First Show Cause Order, and the undersigned issued a Report and Recommendation on October 22, 2021, recommending that this action be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m) for failure to timely effect service of process. (R. & R., ECF No. 3.) Only on October 25, 2021, did Plaintiff file a motion for extension of time to effect service over Defendant (ECF No. 4), which the Court granted, giving Plaintiff until November 30, 2021, to effect service. (ECF No. 5.) When Plaintiff again failed to meet the service deadline, the Court again ordered Plaintiff on January 27, 2022, to show cause why this action should not be dismissed without prejudice. (Second Show Cause Order, ECF No. 6.) In response, Plaintiff sought, and the Court granted, an extension until February 24, 2022, for Plaintiff to effect

service. (ECF Nos. 7–8.) Plaintiff failed to meet the service deadline for the third time, and on March 2, 2022, Plaintiff was ordered for the third time to show cause why this action should not be dismissed without prejudice. (Third Show Cause Order, ECF No. 9.)

To date, Plaintiff has not responded to the Third Show Cause Order or effected service on Defendant. It is therefore **RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** to Federal Rule of Civil Procedure 4(m) for failure to timely effect service of process.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

/s/ *Chelsey M. Vascura*

CHELSEY M. VASCURA

UNITED STATES MAGISTRATE JUDGE